REMARKS

Claims 11, 13 and 16-19 are pending in this application. By this Amendment, 1, 13 and 16 are amended. Claims 12 and 14-15 are canceled without prejudice to or disclaimer of the subject matter recited therein. Support for the amendments can be found in Applicant's specification on page 7, lines 17-25 for example. No new matter is added by these amendments. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

I. Restriction Requirement

Applicants respectfully request rejoinder of the non-elected claims when claim 11 is found allowable. Rejoinder is proper because claim 11 is generic to all non-elected claims, and thus the non-elected claims would be allowable for the same reasons that claim 11 is allowable. Applicants confirm that the amended claims continue to read on provisionally elected Group II.

II. 35 U.S.C. §112 Rejection

The Office Action rejects claims 11-14, 16 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite. By this Amendment, the claims are amended to remove the alleged indefinite claim term "coarse." Applicants respectfully request that the rejection be withdrawn.

III. 35 U.S.C. §S 102 and 103 Rejections

The Office Action rejects claims 11, 16 and 17 under 35 U.S.C §102(b) or alternatively under 35 U.S.C. §103(a) over WO 02/39857 to Reynolds; rejects claims 11-14, 16 and 17 under 35 U.S.C. §103(a) over Reynolds in view of U.S. Patent No. 5,870,785 to Hoorens and U.S. Patent No. 2,774,127 to Secrist; rejects claims 11-14, 16 and 17 under 35 U.S.C. §103(a) over Hoorens in view of Reynolds; and rejects claims 11-14, 16 and 17 under

35 U.S.C. §103(a) over Hoorens in view of Reynolds and Secrist. The rejections are respectfully traversed.

A. **Characteristics of the Mesh Material**

The Office Action on page 2 states that Applicants' specification does not provide quantitative and/or objective properties or characteristics associated with coarse mesh material with which to differentiate the coarse mesh material from non-coarse mesh material. In addition, the Office Action on page 3 states that Applicants specification does not teach that the coarse mesh material is directly responsible for any effect. Applicants respectfully disagree.

Independent claim 11 recites (1) the first and second layer of mesh material is a knitted material with an average stitch length of between 2 mm and 6 mm; (2) the average separation between the first layer and the second layer is between 2 mm and 10 mm; (3) each layer of the mesh material has a porosity of between 10% and 50%, the porosity being the proportion of surface area of the mesh material which consists of holes rather than fibers; and (4) each layer of the mesh material has a wind attenuation factor of between 40% and 80% for wind directed at right angles onto the mesh material at 50 km/h based on the average stitch length, the average separation, and the porosity of the first and second mesh layers. All of these characteristics provide specific quantitave and/or objective properties or characteristics of the mesh material.

Furthermore, the textile pattern is an inherent property of the mesh material. That is, rather than being a separate design which is imposed upon the coarse mesh material, providing a coarse mesh material of defined average stitch length, average separation between layers, which is knitted, and has defined porosity, inherently creates an irregular surface (i.e., textile pattern) which contributes to the divergent "tumbling" effect of wind striking the

surface of the mat. The "tumbling" effect being further attributable to the partial transmission of wind through the layers in the mat and the defined wind attenuation factor.

B. Attenuation Factor

The Office Action admits that the applied art does not teach that each layer of the mesh material has a wind attenuation factor between 40% and 80%. The Office Action further states that Applicants do not define wind attenuation factor in the claims or the specification, and that such a factor is not known and/or established in the art. Applicants respectfully disagree.

Claim 11 defines the wind attenuation factor to be between 40% and 80% for wind directed at right angles onto the mesh material at 50 km/h and the factor is based on the average stitch length, the average separation, and the porosity of the first and second mesh layers. All of these features being further defined in claim 11.

In addition, "wind attenuation" is clearly know in the art and refers to the extent to which wind is reduced or attenuated by a particular material. Applicants disclosure provides further detail with regard to wind attenuation factor on page 4, lines 15-19. The wind attenuation factor (sometimes referred to as wind attenuation coefficient) is merely a numerical quantification of the level of wind attenuation. The phrase "wind attenuation" is frequently found in publications, as are references to the factor or coefficient of that wind attenuation.

Moreover, Applicants' specification also provides support for the amendment to claim 11 indicated above, which specifically recites what factors are determinative of "wind attenuation" factor. The disclosure teaches on page 7, lines 19-25 that "wind attenuation" factor will depend upon a number of factors, including the smoothness of the fibres used, the size of the individual holes (which is related to the stitch length in knitted materials) and the porosity of each layer of the mesh material.

C. **Reynolds**

Reynolds discloses a beach mat comprising a first layer and a second layer manufactured from flexible polypropylene mesh material, such as shade cloth with a shade rating of approximately 70%.

D. **Hoorens**

Hoorens discloses a mat used for changing babies, which includes a top layer that is permeable to air, a bottom layer that is impermeable to moisture and an intermediate layer secured to both the top and bottom layers that is also permeable to air. The specification teaches that when the baby is changed on the mat, urine passes through the top layer into the intermediary layer, but is trapped by the impermeable bottom layer. Airflow through the intermediary layer prevents the mat from acting like a sponge and absorbing the urine.

E. **Secrist**

Secrist discloses a textile sheet material that is made from both spun and unspun cotton fibers. The material is described as being suitable as a base material for making plastic laminates, artificial leather, shoe stiffeners and the like. Applications of the material to dressings/bandages, polishing cloth and industrial fillers are also described.

F. **No Substantial Reasonable Reason to Combine the Applied Art**

When seeking to design a helicopter landing mat, which is intended to be placed on particulate matter, such as sand, and which acts to reduce the disturbance of the particulate matter when a helicopter lands on the mat, there is no substantial reasonable reason why a person of ordinary skill in the art at the time of the invention would look to a baby changing mat for guidance. Moreover, there is also no substantial reasonable reason why a person of ordinary skill in the art at the time of the invention would look to a specification that describes textile materials able to be used in clothing and domestic goods.

Moreover, even if one of ordinary skill in the art were to combine the teachings of these three references, a claimed feature would still be missing, and such feature would not otherwise have been known or obvious. In particular, any combination of the three references would not yield a mat with the defined specifications of claim 11. Further, Applicants respectfully submit that the overall wind attenuation factor of the claimed mat is not inherent in the structure of any of the applied art devices. In particular, as discussed above, the overall wind attenuation factor of the mat will depend on a number of factors.

The Office Action states in section 7 that Hoorens teaches a mat comprising multiple layers of plastic mesh material and a layer having a thickness between 0.1 and 1 cm separates the layers. However, in the claimed mat, no such intermediary or separating layer exists. The average separation between the first layer and the second layer (now defined in amended claim 11 as being between 2 mm and 10 mm) results from the properties of the mesh material and the construction of the mat, namely the claimed porosity of the mesh material, the claimed average stitch length and the claimed wind attenuation factor of each layer of the mesh material. As described in Applicants' specification, constructing a mat from (at least) two wind permeable layers of mesh material as defined in claim 1 essentially creates a three-dimensional mesh. Such a three-dimensional mesh is clearly not possible from the mat described in Reynolds from the two layers of identical mesh material. Such a three-dimensional mesh is clearly not possible in the mat described in Hoorens, where the first layer is permeable to air and the second layer is impermeable to moisture.

Moreover, Secrist describes a range of examples of textile sheet, having various properties, but there is no teaching that any of these examples will in any way be able to reduce the disturbance of particulate matter by wind created during the landing of a helicopter on the mat when the mat is placed on the particulate matter. A person of ordinary skill in the

art would have absolutely no substantial rational reason to select any of the range of examples of textile sheet materials for combination with the other references.

Additionally, to establish inherency, evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities (MPEP §2112). The mere fact that a certain thing may result from a given set of circumstance is not sufficient (MPEP §2112). As discussed above in greater detail, the Office Action has failed to establish any of the applied references inherently disclose a wind attenuation factor between 40-80% based on the defined factors in claim 11.

The applied references taken alone or in combination, fail to disclose or render obvious the features of independent claim 11. Therefore, independent claim 11 is patentable over the applied references. Claims 13, 16 and 17 are patentable at least for their various dependencies from independent claim 11, as well as for the additional features they recite.

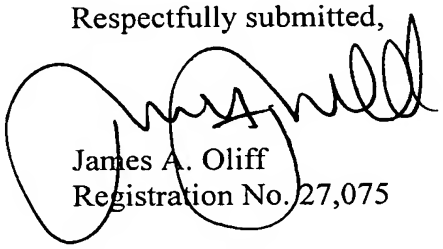
Accordingly, Applicants respectfully request that the rejections be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 11-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:
Petition for Extension of Time
Request for Continued Examination

Date: December 22, 2009

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